

10725

## COOPERATIVE AGREEMENT BETWEEN EL TIPICO AND MPNA

Whereas *El Tipico, t/a El Tipico Restaurant, Inc.* has applied for an ABC Class DR restaurant license for the premises located at 3201 Mt. Pleasant Street, NW; and

Whereas, Mount Pleasant Neighborhood Alliance (MPNA) has filed protest to the issuance of the license; and

Whereas the parties have discussed the concerns of the neighborhood and have reached an understanding relating to the operation of the restaurant and cooperative efforts of the restaurant and MPNA.

Now, therefore, in consideration of the agreement set forth herein, MPNA agrees to withdraw its protest, and *El Tipico* agrees to comply with the terms of the agreement as set forth hereinafter.

*El Tipico Restaurant, Inc.* agrees:

- A. To comply with all laws and regulations governing the operation of the establishment at 3201 Mt. Pleasant Street, NW, in Washington, D.C., including all laws and regulations governing the Class DR (restaurant) license to which this agreement applies, as applied for and approved by the District of Columbia in the name of *El Tipico, t/a El Tipico Restaurant, Inc.* It is understood and agreed that said license permits no live music, dancing, cover charges or any other charges for admission to this establishment.
- B. That *El Tipico* will cooperate with the Advisory Neighborhood Commission I-E (ANC), and/or the Mount Pleasant Neighborhood Alliance (MPNA) to address any alleged violation of the laws and regulations referred to in Paragraph A above and in any request that the appropriate enforcement agency investigate an alleged violation.
- C. That alcohol will not be served after ABC regulated hours, and *El Tipico* will work with the community to establish reasonable restrictions on the hours of ABC service to minimize any disturbance to the neighborhood, and in this regard, it will stop selling alcohol at 1:45 AM Sunday through Thursday and 2:45 AM on Fridays and Saturdays.
- D. That in cooperation with MPNA, it will support community organizations which seek to alleviate alcohol abuse problems, by participation in meetings and programs.

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- E. To undertake a leadership role in the Mount Pleasant business community in an effort to enlist wider business support for clean-up, responsible alcohol service, support of alcohol abuse assistance organizations, and law enforcement activities, including leading efforts to supplement current efforts to hire private trash services to keep Mt. Pleasant Street, NW clean on a daily basis.
- F. That in the event *El Tipico* decides to sell *El Tipico Restaurant, Inc.*, *El Tipico* will notify the community at least ninety (90) days notice of any intention to place either business on the market, and agrees to work with the community in reviewing offers and in soliciting offers. *El Tipico* agrees further to provide the community with advance notice of its intention to accept any unsolicited offer to buy *El Tipico Restaurant, Inc.*
- G. That *El Tipico* will keep the public space in front of the restaurant free of debris and trash.
- H. That loitering will be prohibited in front of the establishment. That suspicious, disruptive, or disturbing loitering in front of the establishment will be immediately reported to the DC Metropolitan Police Dept., as circumstances may warrant.
- I. That to the extent that off-street parking may be available at reasonable rates *El Tipico* agrees to use its best efforts to provide off-street parking to its patrons in the evening.
- J. That *El Tipico* will post signs in both English and Spanish advising its clients about respecting the community, directions for parking and alcohol awareness signs as may be produced from time to time.

In addition, *El Tipico* agrees to be bound to MPNA by the conditions agreed to, with the Mount Pleasant Advisory Neighborhood Commission (ANC- 1E) as noted below, and pledges to work cooperatively, with the MPNA, to improve the overall environment on Mount Pleasant Street to make it a more pleasant, safe area for residents, customers and businesses.

1. Not sell or deliver alcoholic beverages to any intoxicated person, or to any person of notoriously intemperate habits or to any person who appears to be intoxicated.
2. Not sell or deliver alcoholic beverages to any person or persons under the age of 21.

3. Take all precautions to avoid the sale of delivery of alcoholic beverages to anyone accompanying a person who has been denied service if there is an apparent attempt to deliver the alcoholic beverage to the person who has been denied services.
  - a. Not to provide "go-cups" to customers. A "go-cup" is defined in Section 709.7 of the ABC regulations as a "drinking utensil provided at no charge or a nominal charge to customers for the purpose of consuming beverages."
4. Take reasonable measures to ensure that the immediate environs of the restaurant are kept free of litter and debris. The "immediate environs" is defined in Section 720.2 of the ABC Regulations as including: "...all property on which the premises are located: all property used by the licensee to conduct its business, whether part of the premises or not, including parking lots and the portion of the alleys, sidewalks, or other public property immediately adjacent to the premises or adjacent to the property used by the licensee to conduct its business."
5. Requires all alcoholic beverages serving staff to participate in alcoholic beverage server training of the type offered by TIPS.
6. To discourage excessive drinking by: not serving pitchers, not having two-for-one drink promotions, and not covering more than 25% (or such other amount as provided by the laws and regulations of the District of Columbia) of the establishment's window space with alcoholic beverage signage.
7. Not sell, deliver or allow consumption of alcohol before or after legal hours of sale.

*El Tipico Restaurant, Inc.*

By: *Antonio Leon*

Date: 4-26-99

*Mt. Pleasant Neighborhood Alliance*

By: *Laurie Collins*

Date: 4-27-99

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of :**

El Tipico Restaurant, Inc.  
t/a El Tipico Restaurant

Application for a Retailer's License  
DR – renewal  
at premises  
3201 Mt. Pleasant Street, N.W.  
Washington, D.C.

Case No. 10725-99010P

**Russell L. Smith and Laurie Collins, President, on behalf of the Mt. Pleasant Neighborhood Alliance, Protestants**

Alicia De Leone, Vice President, on behalf of Applicant

**BEFORE: Roderic L. Woodson, Esquire, Chair  
Vera Abbott, Member  
Allen Beach, Member  
Ellen Oppenheimer, Esquire, Member  
Max Salas, Member  
Joseph Wright, Member**

**ORDER ON WITHDRAWN PROTEST**

The application, having been protested, came before the Board for public hearing on December 9, 1998, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Russell L. Smith filed a timely protest letter dated October 23, 1998, wherein he designated Laurie Collins, President, on behalf of the Mt. Pleasant Neighborhood Alliance, to represent him in the proceedings.

The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated April 27, 1999, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

Accordingly, it is this 6th day of October 1999, **ORDERED** that:

**El Tipico Restaurant, Inc.**  
**t/a El Tipico Restaurant**  
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1. The protest of Laurie Collins, President, on behalf of the Mt. Pleasant Neighborhood Alliance, be, and the same hereby, is **WITHDRAWN**;
2. The application of El Tipico Restaurant, Inc. t/a El Tipico Restaurant for a retailer's class DR license (renewal) at premises 3201 Mt. Pleasant Street, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia  
Alcoholic Beverage Control Board

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Roderic L. Woodson, Esquire, Chair

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Vera Abbott, Member

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Allen Beach, Member

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